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Sent: Monday, April 10, 2006 12:38 AM

To: Benham, Katherine

Cc: kevin.orell@flavorganics.com%inter2

Subject: Revised-Recommendation to remove natural flavors and colors from 205.605@

Attachments: ATTACHMENT.TXT

Dear Katherine and the NOSB,

We are an ingredient company that has been active in the organic industry since 1991. We have operated under the guiding principle that if an ingredient is made commercially available as organic that it will be used. We have dedicated our efforts to encourage and develop as many organic ingredients as possible. This guiding principle of "organic preference" is one of the reasons why this industry has had such dynamic growth. Our specialty has been that of minor ingredients. Flavors and colors has been one of the areas over the last 10 years that we have focussed our efforts. Why? Because the agricultural ingredients were available and it was possible for them to be developed.

Marroquin International does not agree with the NOSB recommendation to allow non-synthetic colors and flavors to remain on 205.605(a) because many now are derived from agricultural sources. We recommend that they be removed from 205.605(a) and be placed on 205.606. Annotations can and should be made to allow non-agricultural derived and non-synthetic flavors, aroma chemicals and colors to be allowed on 205.605(a).

What are flavors that clearly are derived from agricultural sources doing on 205.605(a) which is meant for non-agricultural ingredients? The first and foremost criteria for an ingredient to be considered for organic certification is that it is agricultural. Presently there are many flavors that are certified organic, so their presence on 205.605(a) is clearly inconsistent with the purpose of 205.605(a). This inconsistency can have damaging effects and recognizing this represents an opportunity for us now to set this right.

The list of flavors that are certified organic is quite extensive. This fact can be verified with any certifier. A typical certificate for an organic flavor company can have well over 70 flavors certified and their list is continually growing. There are a number of flavor companies that presently have organic flavors available or are in active stages of development. I know this because we are active in providing them the agricultural ingredients needed to develop these flavors.

Without a cohesive and consistent treatment of this class of ingredients, flavors and colors will always be a commercial loophole for manufacturers. This perpetuates an un-level playing field for manufacturers using organic flavors. For certifiers, placement of agriculturally derived flavors on 205.606 gives certainty to the proper classification of materials said to be natural flavors. By placing the natural flavors and colors on 205.606 companies will still be able to use their non-organic flavors/colors by substantiating why a flavor does not meet their specifications. Yes, they will have to petition them to be on 205.606 but they need to do this anyway. There are companies already petitioning to include natural flavors on 205.606.

Natural flavors and colors were originally expected to come off the National List with the Sunset review. By placing natural flavors and colors on 205.606 you will be making a ruling that is consistent. Organic preference and commercial availability will apply and work as it was intended. Finally, motivation will be stronger still for more companies to develop organic colors, flavors and aroma chemicals. Leaving them on 205.605(a) is a substantial barrier to investment to produce organic, agriculturally derived flavors, colors and aroma chemicals.

Marroquin International knows the difficulties in trying to make recommendations that will satisfy all sectors of this industry and knows how inconsistencies in regulations can have a negative affect on companies. As someone who has great respect for this industry and is proud to be a part of its continued growth I ask that you research this matter further and give more consideration to your recommendation.

Respectfully,

Grace Marroquin
President

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